

**REMARKS**

Claims 1-42, 45-101 and 103-113 are pending in the present application. The Examiner finally rejected the pending claims under 35 U.S.C. § 103(a) as being unpatentable over James (US 6069310) in view of Lin et al. (US 6366791) and Akira (JP-8106282). Reexamination and reconsideration are respectfully requested.

Applicants appreciate the courtesy of the Examiner during a telephone interview on May 25, 2005. As discussed during the interview, claim 7 is directed to an electronic musical instrument comprising “a control block that receives the music information from the portable telephone terminal through the coupling block and feeds the music information to the memory block . . . .”

Applicants respectfully submit that none of the three references discloses this recitation. In James, a home computer 110 receives a MIDI file or data through the Internet. The home computer 110 transmits the received MID file to a digital player device 30, which drives player piano 40. There is no disclosure or suggestion in James that the player piano has a control block that receives music information from a portable telephone terminal.

Lin is directed to downloading ringing tone patterns to a mobile station 20. Fig. 1 illustrates mobile station 20 connected to a laptop computer 21. The mobile station 20, of course, does not have a control block that receives music information from a portable telephone terminal. Nor does computer 21 have the recited control block. There is no disclosure or suggestion in Lin that computer 21 receives music information from the portable telephone terminal. All that is disclosed by Lin is that computer 21 accesses the web page for selecting the ringing tone patterns (see Col. 3, lines 21-65). Once the ringing tone pattern is selected, the pattern is merely downloaded to mobile station 20 (see Col. 3, line 66 to Col. 4, line 11). Indeed, there is no disclosure or suggestion in Lin that the computer 21 is even an electronic musical instrument.

Akira is directed to an electronic musical instrument capable of network communication. The electronic musical instrument is connected to a standard telephone 14 as well as modem 6. Modem 6 is in turn connected to a phone line 26 as disclosed in paragraph 0058 of the English

translation. When network capability is desired, telephone 14 is dialed and a communication with another party is carried out. As paragraph 0060 makes clear, the connection of the phone line 26 is then changed over to the electronic musical instrument and music information is received through modem 6. Thus, Akira fails to disclose that the electronic musical instrument has a control block that receives music information from a portable telephone terminal. Telephone 14 provides a simple telephony function with another party and does not transfer music information to the electronic musical instrument.

Accordingly, Applicants respectfully submit that claim 7 and its dependent claims are patentable over the three cited references for at least the reasons set forth above. Applicants note that, in their previous response, other reasons were provided for patentability of claim 7 (as well as the other claims), such as the absence of motivation to combine the references. Applicants maintain that those reasons are sufficient for patentability as well.

Claim 94 is directed to a method of operating an electronic musical instrument and recites "receiving music information from the portable telephone terminal through the public network." Accordingly, claim 94 is likewise patentable over the cited references.

It is believed that the remainder of the claims are patentable over the cited references for reasons similar to the reasons for claims 7 and 94.

Independent claims 1, 13, 61, 77, 93, 95, 106 and 110

Claim 1 is directed to an electronic musical instrument and recites "a control block that controls the memory block to memorize the processed music information and to feed the memorized music information to the portable telephone terminal through the coupling block for transfer of the music information through the public network." James, Lin and Akira not only fail to disclose an electronic musical instrument having a control block that *receives* musical information from a portable telephone terminal as discussed above, but they also fail to disclose an electronic musical instrument having a control block that *feeds* musical information to a portable telephone terminal. Accordingly, Applicants respectfully submit that claim 1 is patentable over the cited references.

Similarly, claim 13 recites “a control block that controls the coupling block to feed the processed music information from the main block to the portable telephone terminal for transfer of the music information through the public communication network.” Claim 61 recites “a control block that controls the memory block to pass the stored music information to the coupling block and that controls the coupling block to upload the passed music information to the database server by the portable telephone terminal through the public communication network.” Claim 77 recites “a control block that controls the memory block to pass the stored music information to the coupling block and that controls the coupling block to upload the passed music information to said another electronic musical instrument by the portable telephone terminal through the public communication network.” Accordingly, Applicants respectfully submit that claims 13, 61 and 77 are patentable over the cited references.

Applicants respectfully submit that claims depending respectively from independent claims 1, 13, 61 and 77 are likewise patentable over the cited references for at least the reasons set forth above.

Independent method claims 93, 95, 106 and 110 are directed to a method of operating an electronic musical instrument and are patentable for at least the reasons set forth above with respect to claims 1, 13, 61 and 77, respectively.

Independent claims 19, 55, 71, 96, 105 and 109

Claim 19 is directed to an electronic musical instrument and recites “a coupling block that is coupled to the portable telephone terminal which can receive music information through the public communication network” and “a memory block that can receive and memorize the music information outputted from the coupling block.”

The player piano in James does not have a coupling block coupled to a portable telephone terminal nor does it have a memory block that can receive and memorize music information outputted from the coupling block. In Lin, the mobile station 20, of course, does not have a coupling block to a portable telephone terminal. Computer 21 is illustrated to be connected

to mobile station 21, but there is no disclosure or suggestion that it has a memory that can receive and memorize music information outputted from the mobile station 20. Likewise, Akira discloses a telephone 14 connected to the electronic musical instrument, but does not disclose that the memory of the instrument receives and memorizes information outputted from telephone 14. The music information is instead received through modem 6. Accordingly, Applicants respectfully submit that claim 19 is patentable over the cited references.

Similarly, claim 55 recites “a coupling block that is coupled to the portable telephone terminal which can download music information from a database server through the public communication network” and “a memory block that can receive and store the downloaded music information outputted from the coupling block.” Claim 71 recites “a coupling block that is coupled to the portable telephone terminal which can access to another electronic musical instrument storing music information through the public communication network” and “a memory block that stores the downloaded music information outputted from the coupling block.”

Applicants respectfully submit that claims depending respectively from independent claims 19, 55 and 71 are likewise patentable over the cited references for at least the reasons set forth above.

Independent method claims 96, 105 and 109 are directed to a method of operating an electronic musical instrument and are patentable for at least the reasons set forth above with respect to claims 19, 55 and 71, respectively.

Independent claims 25, 31, 87, 97, 98 and 113

Independent claims 25, 31 and 87 are directed to a portable telephone terminal. Claim 25 recites that the portable telephone terminal comprises “a control block that passes the music information received by the communication block to the electronic musical instrument through the coupling block, whereby the electronic musical instrument can process the passed music information for generation of music tones.”

James fails to disclose a portable telephone terminal. Lin's mobile station 20 does not have a control block that passes music information to an electronic musical instrument. Lin does not disclose or suggest that mobile station 20 passes music information to computer 21 or, for that matter, that computer 21 is even an electronic musical instrument. Telephone 14 in Akira does not pass music information to the electronic musical instrument as discussed above. Accordingly, Applicants respectfully submit that claim 25 is patentable over the cited references.

Claim 31 recites a portable telephone terminal comprising "a coupling block that is coupled to the electronic musical instrument" and "a memory block that receives the music information outputted by the electronic musical instrument through the coupling block." As discussed above, James does not disclose a portable telephone terminal and thus fails to disclose or suggest the recited coupling and memory blocks. Lin fails to disclose that mobile station 20 has a memory block that receives and memorizes music information from an electronic musical instrument. There is no disclosure that mobile station 20 stores music information from computer 21 or that computer 21 is a electronic musical instrument. In Akira, telephone 14 does not have a memory block that receives and memorizes music information from the electronic musical instrument. Accordingly, Applicants respectfully submit that claim 31 is patentable over the cited references.

Similarly, claim 87 is directed to a portable telephone terminal comprising a "coupling block that is coupled to the electronic musical instrument to receive therefrom the musical information" and "a memory block that memorizes the music information received by the coupling block." Applicants respectfully submit that claim 87 is patentable over the cited references.

Applicants respectfully submit that claims depending respectively from independent claims 25, 31 and 87 are likewise patentable over the cited references for at least the reasons set forth above.

Independent method claims 97, 98 and 113 are directed to a method of operating an portable telephone terminal and are patentable for at least the reasons set forth above with respect to claims 25, 31 and 87, respectively.

Independent claims 37, 39, 67, 69, 83, 85, 99, 100, 107, 108, 111 and 112

Claims 37, 39, 67, 69, 83 and 85 are directed to a system comprising an electronic musical instrument and a portable telephone terminal, while claims 99, 100, 107, 108, 111 and 112 are directed to a method of operating or using such a system. Applicants respectfully submit these claims are patentable for at least one or more of the reasons set forth above. Applicants respectfully submit that any claims depending respectively from these independent claims are likewise patentable over the cited references.

The remainder of these Remarks is repeated from the previous response. It is believed that the remainder of the claims are clearly patentable for the reasons set forth below. Applicants particularly note that claims 45, 50, 103 and 104 have recitations that have never been shown by the Examiner to be disclosed in the cited references.

Independent claims 41 and 101

Claim 41 is directed to a portable telephone terminal that transmits music information to a public communication network. As discussed above, James does not disclose a portable telephone terminal. In Lin, the mobile station 20 does not transmit music to a public communication network, but rather receives a ringing tone pattern from the Internet (see, e.g., Col. 2, lines 32-43). In Akira, the telephone 14 does not transmit music information. Accordingly, Applicants respectfully submit that claim 41 and its dependent claim 42 are patentable over the cited references.

Claim 101 is directed to a method of operating a portable telephone terminal and recites controlling the communication unit of the terminal to “transmit the passed music information to the public communication network . . . .” For at least the reasons discussed above with respect to claim 41, claim 101 is patentable over the cited references.

Independent claims 45, 50, 103 and 104

Claims 45 and 50 are directed to a mobile wireless terminal set that execute a remote control over functions of an electronic musical instrument through a public communications network. None of these references even suggests remote operations by a mobile wireless terminal set of an electronic musical instrument, and the Examiner's office action does not specifically cite to any sections disclosing the recitations of claims 45 and 50. Accordingly, Applicants respectfully submit that claims 45, 50 and their respective dependent claims are patentable over the cited references.

Claims 103 and 104 are directed to a method of operating a mobile wireless terminal set that execute the remote control discussed above. For at least the reasons discussed above with respect to claims 45 and 50, claims 103 and 104 are patentable over the cited references.

In view of the foregoing amendments and remarks, it is respectfully submitted that claims 1-42, 45-101 and 103-111 of the present application are in condition for allowance. If, for any reason, the Examiner finds the application other than in condition for allowance, Applicants request that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5630 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 393032020500.

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Respectfully submitted,

By  \_\_\_\_\_

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